

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

In re: Ethicon, Inc., Pelvic Repair Systems
Products Liability Litigation

MDL: 2327

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF ERIC T. CHAFFIN FOR APPOINTMENT
TO THE PLAINTIFFS' STEERING COMMITTEE**

In accordance with Pretrial Order No. 1, Paragraph 19, the undersigned, Eric T. Chaffin of Chaffin Luhana LLP, makes this Application for Appointment to the Plaintiff's Steering Committee (PSC) and in support thereof states the following:

1. Mr. Chaffin's law office is in New York City but he is a member of the West Virginia, Pennsylvania and New York bars, including the bar of this Court. He was born and raised outside of Weirton, WV, where many of his family members still reside. Mr. Chaffin graduated from West Virginia University in 1993 with *honors* and *summa cum laude*. At WVU, he was a Judith Herndon Fellow with the WV Senate, working for then State Senator Joe Manchin. Following WVU, Mr. Chaffin graduated *cum laude* from Washington & Lee University School of Law in 1996. At W&L Law, Mr. Chaffin was *Chairman* of the *Moot Court Board* and had the great honor and privilege of hosting various federal and state court judges to judge moot courts and mock trials, including Your Honor and M. Blane Michael of the Fourth Circuit Court of Appeals.

2. Following law school, Mr. Chaffin clerked for U.S. District Court Judge D. Brooks Smith, who now sits on the Third Circuit Court of Appeals. Mr. Chaffin then spent approximately three years defending mass tort, medical device and other litigations at Reed Smith LLP in Pittsburgh. From there, Mr. Chaffin became an Assistant U.S. Attorney in the Criminal Division of the E.D.N.Y. U.S. Attorney's Office where he tried multiple federal jury trials. In 2003,

Mr. Chaffin left the U.S. Attorney's Office to practice as a partner with a nationally recognized plaintiffs-only mass tort and complex litigation firm and in 2010 Mr. Chaffin opened Chaffin Luhana LLP with partner Roopal Luhana in New York City. The firm focuses exclusively on representing plaintiffs, largely in mass tort litigation. Since 2008—long before the July 2011 FDA Safety Communication that brought national attention to the mesh products—Mr. Chaffin and Ms. Luhana were representing women victimized by defective vaginal mesh products. In fact, a number of the original plaintiffs whose cases formed the basis of the Bard Mesh MDL are Chaffin Luhana clients. Currently, Chaffin Luhana represents dozens of women who have been injured by Bard, Ethicon, AMS and Boston Scientific mesh, including women whose cases have been transferred to Your Honor in each of these MDLs. As with many victims of these products, Chaffin Luhana's clients were frequently implanted with multiple products manufactured by different defendants.

3. Mr. Chaffin's past mass tort leadership experience includes litigation against multiple defendants for plaintiffs who used multiple types of products (*e.g.*, mixed use product cases) such as is frequently the case with mesh victims. One such leadership experience is the zinc-containing denture cream litigation, where Mr. Chaffin serves as Co-Lead Counsel of the *In re Denture Cream Products Liability Litigation* and Co-Liaison Counsel of the *In re Denture Cream Mass Tort Program* in Philadelphia, Pennsylvania. In this litigation, Mr. Chaffin has been responsible for, *inter alia*: (1) negotiating a settlement program that resulted in the early resolution of hundreds of state and federal cases; (2) negotiating multi-defendant discovery protocols and discovering literally millions of pages of documents; (3) taking and defending dozens of depositions of defendants, third parties and experts; (4) drafting and arguing motions, including *Frye* motions on general causation; (5) retaining and developing experts in the fields of toxicology, neurology and polymer science; and (6) coordinating state and federal cases across multiple defendants who employed sometimes conflicting defense strategies.

4. In addition to Mr. Chaffin's past demonstrated leadership experience in mass torts, his law partner, Roopal Luhana, similarly is active in the mesh litigation and has a wealth of experience in mass tort litigation. She has practiced for the past 11 years in mass torts and, for example, currently serves as a member of the PSC in the *In re Yasmin and Yaz (Drospirenone) Marketing, Sales, Practices and Products Liability Litigation*. She is also a former law clerk to the former mass tort judge of New Jersey, the Honorable Marina Corodemus. Ms. Luhana and other attorneys at Chaffin Luhana will be actively supporting the mesh litigation.

5. Mr. Chaffin and his firm clearly have a demonstrated history of working cooperatively in leadership roles with other Plaintiff firms in mass torts and are committed to investing the time and resources to be a member of the PSC in this litigation. In addition to the above leadership positions, Mr. Chaffin and his office have worked with proposed Co-Lead Counsel, including Henry Garrard and Bryan Aylstock specifically, as co-counsel in mesh cases. Mr. Chaffin supports their proposed organizational structure.

Accordingly, the undersigned respectfully requests that Your Honor appoint him to the PSC (or any other role the Court wishes) in the Ethicon, AMS and Boston Scientific MDLs, in that particular order if the Court decides to appoint separate PSCs for each MDL. It would be a great honor and privilege to practice before Your Honor in West Virginia in this litigation.

Dated: March 29, 2012

Respectfully submitted,

/s/ Eric T. Chaffin

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CERTIFICATE OF SERVICE

I, Eric T. Chaffin, hereby certify that on March 29, 2012, I caused the foregoing Application of Eric T. Chaffin for Appointment to the Plaintiffs' Steering Committee to be electronically filed with the Clerk of the Court for the U.S. District Court for the Southern District of West Virginia by using CM/ECF system, which sent notification of such filing to all CM/ECF participants.

Dated: March 29, 2012

/s/ Eric T. Chaffin

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